

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2027.03
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	April 21, 2003
DATE OF REPORT:	May 21, 2003
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	June 24, 2003

COMPLAINT ISSUES:

Whether Kankakee Valley School Corporation and Cooperative School Services violated:

511 IAC 7-27-11 by failing to provide access to the general education curriculum to a student with a temporary or chronic illness that requires the student's absence from school for more than 20 instructional days.

FINDINGS OF FACT:

1. The Student is seventeen years old and attends the local high school ("the School"). The Student participates in the general education curriculum, but has missed several days of school in the last year due to a serious medical condition and illness.
2. The Complainant first contacted the School during the week of March 17, 2003, regarding a belief that the School should have provided homebound instruction to the Student during the Fall 2002 semester. The Student was absent for medical reasons for over 20 instructional days during that period. At one point, the Student was out from November 26, 2002, through January 6, 2003, for a total of 17 consecutive instructional days. While the Complainant presented doctors' slips that showed the Student's readiness to return to school, school authorities never received a prior written statement from a physician indicating that the Student would miss more than 20 days of school, a requirement stated in 511 IAC 7-27-11(b). No estimate was given of the number of days the Student might miss, and no indication was given that the illness could recur. The Student missed two more days for medical reasons after January 6, 2003, before the filing of the complaint.
3. The Complainant alleges that the School was notified of the Student's medical condition; however, the School says that nothing was received, except for routine doctors' slips. The two notices about the Student's medical condition that were received for this investigation, even if received by the School, do not meet the requirements of 511 IAC 7-27-11(b), as neither is directed to the School, nor provides the necessary information. One is a letter from a neurologist to the family doctor; the other is a generic report on medical findings. Both address a different medical issue than the one for which the Student was absent the majority of the time.

CONCLUSIONS:

1. Findings of Fact #2 and #3 indicate that the Complainant did not satisfy the requirements of the rule, so that the School was sufficiently informed about the extent and expected duration of the illness. Therefore, 511 IAC 7-27-11 has not been violated.

The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.